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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,091	12/21/2001	Robert E. Denman	22171.300	1063
27683	7590	07/25/2006	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,091

Applicant(s)

DENMAN ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-15 and 17-26 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant argued and Examiner agrees that the rejections in the previous office action are not applicable to the present claims as amended. However, Applicant's arguments filed May 5, 2006 concerning the specifics of the Maggenti reference have been fully considered but they are not persuasive.

1. Applicant argued that Maggenti does not disclose multicasting by the PTT server (fig. 2, item 102). However, the server provides multicasting (para. 77, lines 1-5; para. 37 and para. 47, lines 1-3).

Claim Objections

2. Claims 1, 5 and 16 are objected to because the modified communication is forwarded to each of the other members in contradiction with the specification. In the specification, para. 89, lines 16-22, modified packets are forwarded to members; however, each packet is sent as a unicast only to its respective member. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US 2002/0037735) in view of Aggarwal et al. (US 6,154,463) in view of Farinacci et al. (US 7,016,351).

3. Regarding claims 5 and 16, Maggenti discloses a method for user activation of push-to-talk service in a wireless network (fig. 1) comprising initiating a session with a PTT server

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wherein a user joins a group (para. 8, last three lines; para. 68, last four lines), registering a contact for the user (para. 102, lines 3-4), notifying members of the group of the other members' presence (para. 102, lines 5-10; para. 104, lines 5-7) and enabling multicasting by the PTT server (para. 77, lines 1-5; para. 37 and para. 47, lines 1-3). Further regarding claim 16, the method is implemented by a computer program stored in a computer readable medium (para. 47, lines 3-6; note: software).

4. However, Maggenti does not disclose a group-specific address and port number for a multicast session. Aggarwal discloses a group-specific address and port number for a multicast session (col. 7, lines 33-36). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a group-specific address and port number for a multicast session in the invention of Maggenti in order to provide multicast sessions compliant with the IP protocol (Aggarwal, col. 1, lines 12-15; col. 5, lines 18-19).

5. Further, Maggenti in view of Aggarwal does not disclose replicating communication, replacing a group-specific address and port with a respective address and port of each other member to form modified communication, and forwarding the modified communication to respective members. However, Farinacci discloses receiving a multicast packet (col. 7, lines 1-6), replicating the packet (col. 7, lines 12-14), replacing the multicast address with the user destination address (col. 7, lines 15-16), and forwarding the packet (col. 7, lines 13-14). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to replicated a received multicast packet and address and forward the packet to the proper destination in the invention of Maggenti in view of Aggarwal in order to achieve routing in an IP network (Farinacci, fig. 1; col. 1, lines 42-63).

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (US 2002/0037735) in view of Mattaway et al. (US 6,009,469) and Farinacci et al. (US 7,016,351).

6. Regarding claim 1, Maggenti discloses a wireless communication network having push-to-talk functionality (fig. 1, para. 12). The network comprises a presence server to store data on active mobile devices (fig. 3, item 244), an SIP server (item 236), an SIP location server to store contact addresses of the active mobile devices (item 240; para. 47, lines 6-10; para. 186, lines 1-7), and a PTT server (item 240; para. 47, lines 6-10) to function as a call endpoint for the mobile devices where the devices are segmented into groups (para. 31, last 4; para. 32, lines 5), where the PTT server multicasts a communication from one member of a group to other members of the group (para. 77).

7. However, Maggenti does not disclose separate servers. Mattaway discloses that logical server functions reside on separate servers (figs. 15a-15b, item 1500; col. 21, lines 51-62). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have separate servers for the functions of the communications manager (fig. 3) in the invention of Maggenti in order to provide a server dedicated to each individual function (Mattaway, col. 21, lines 54-57).

8. Further, Maggenti in view of Mattaway does not disclose separate servers interconnected by an IP network. However, Maggenti discloses network components interconnected by an IP network (fig. 1, item 26). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have an IP network interconnecting servers in the invention of Maggenti in view of Mattaway in order to provide a well known and widely used communications protocol for the transfer of data (Maggenti, para. 42, lines 9-13).

9. Further, Maggenti in view of Mattaway does not disclose a group-specific address and port number for a multicast session. Aggarwal discloses a group-specific address and port number for a multicast session (col. 7, lines 33-36). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a group-specific address and port number for a multicast session in the invention of Maggenti in view of Mattaway and Maggenti in order to provide multicast sessions compliant with the IP protocol (Aggarwal, col. 1, lines 12-15; col. 5, lines 18-19).
10. Further, Maggenti in view of Mattaway and Aggarwal does not disclose replicating communication, replacing a group-specific address and port with a respective address and port of each other member to form modified communication, and forwarding the modified communication to respective members. However, Farinacci discloses receiving a multicast packet (col. 7, lines 1-6), replicating the packet (col. 7, lines 12-14), replacing the multicast address with the user destination address (col. 7, lines 15-16), and forwarding the packet (col. 7, lines 13-14). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to replicated a received multicast packet and address and forward the packet to the proper destination in the invention of Maggenti in view of Mattaway and Aggarwal in order to achieve routing in an IP network (Farinacci, fig. 1; col. 1, lines 42-63).
11. Regarding claim 2, in Maggenti the PTT server includes a signaling plane component (fig. 2, item 128) and a media plane component (item 124).
12. Regarding claim 3, in Maggenti the network includes a subscriber database (fig. 3, item 232; para. 89).
13. Regarding claim 4, in Maggenti the network includes a radio access network (fig. 1, item 28).

Allowable Subject Matter

14. Claims 6-15 and 17-26 are allowed.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached at 571-272-7629. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "K. C. Harper", is positioned above the printed name.

Kevin C. Harper

July 22, 2006